

R156. Commerce, Occupational and Professional Licensing.

R156-28. Veterinary Practice Act Rules.

R156-28-101. Title.

These rules are known as the "Veterinary Practice Act Rules".

R156-28-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28 or these rules:

(1) "AAVSB", as used in these rules, means the American Association of Veterinary State Boards.

(2) "AVMA", as used in these rules, means the American Veterinary Medical Association.

(3) "Direct supervision" means the supervising licensed veterinarian shall be present at the point and time at which professional services are being provided by the student or unlicensed person being supervised.

(4) "In association with licensed veterinarians" as used in Subsection 58-28-8(6) means providing consultation, performing a special procedure, or providing special expertise for a specialized case in the same facility as the Utah licensed veterinarian who requested the professional services.

(5) "Indirect supervision" means the supervising licensed veterinarian shall be available for immediate voice contact by telephone, radio, or other means and shall provide daily face-to-face consultation and review of cases at the veterinary facility for the veterinary intern or unlicensed person being supervised.

(6) "NAVLE", as used in these rules, means the North American Veterinary Licensing Examination.

(7) "NBEC", as used in these rules, means the National Board Examination Committee of the American Veterinary Medical Association.

(8) "PAVE", as used in these rules, means Program for the Assessment of Veterinary Education Equivalence.

(9) "Practice of veterinary medicine, surgery, and dentistry" means those acts and practices defined in Subsection 58-28-2(4) and includes the implantation of any electronic device for the purpose of establishing or maintaining positive identification of animals.

(10) "Qualified continuing education" means continuing education that meets the standards set forth in Section R156-28-304.

(11) "RACE", as used in these rules, means the Registry of Approved Continuing Education.

(12) "Supervision" as used in Subsection 58-28-8(2) means direct supervision.

(13) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 28, is further defined in accordance with Subsection 58-1-203(5) in Section R156-28-502.

(14) "Veterinarian-client-patient relationship" means that the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment, and the client who is the owner or other caretaker has agreed to follow the instruction of the veterinarian. In addition, there is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal, or by medically appropriate and timely visits to the premises where the animal is kept. In addition, the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

R156-28-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 28.

R156-28-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-28-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the education requirements for licensure in Subsection 58-28-4(3) are defined, clarified, or established as follows.

(1) Each applicant must have graduated from a veterinary college which held current accreditation by the Council on Education of the American Veterinary Medical Association (AVMA) at the time of his graduation as evidenced by an official transcript documenting the degree earned and the date of graduation or a notarized diploma.

(2) Each applicant who has received his veterinary education in a foreign veterinary school shall demonstrate educational equivalency of his foreign veterinary school with an accredited domestic veterinary school by submitting a Certificate of Competence issued by the AVMA Educational Commission for Foreign Veterinary Graduates (ECFVG) or the AAVSB Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate.

R156-28-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the experience requirements for licensure in Subsection 58-28-4(4) are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall complete an approved internship which includes a minimum of 1000 hours of supervised veterinary practice to be earned in not less than six consecutive months and not more than 12 consecutive months. Successful completion of an approved internship shall be documented and submitted to the division in a form provided by the division.

(2) Each veterinary intern shall have a valid Utah veterinary internship license before beginning his 1000 hour internship.

(3) An applicant for a veterinary internship license must make application to the division on a form provided by the division.

(4) A veterinary intern shall practice under the indirect supervision of the licensed Utah veterinarian approved by the division in consultation with the board or a licensed Utah veterinarian designated by the supervising veterinarian. The veterinary intern must reapply to the division for any change of supervising veterinarian.

(5) The 1000 hour internship shall not begin before the applicant has graduated from an AVMA accredited veterinary college, passed the Utah Veterinary Law and Rules Examination and obtained his Utah internship license.

(6) If the applicant is a graduate of a foreign college of veterinary medicine, he must document ECFVG or PAVE certification or acceptance to take the ECFVG or PAVE examination and meet with the board before obtaining a Utah internship license and beginning his 1000 hour internship.

(7) Evidence of a completed internship shall be documented by the supervising veterinarian and the veterinary intern to the division at the time application is made for Utah licensure as a veterinarian on a form provided by the division.

R156-28-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirements for licensure in Subsection 58-28-4(2) are defined, clarified, or established as follows:

(1) For applicants sitting for the examinations listed in this subsection prior to May 1, 2000:

(a) the National Board Examination (NBE) of the National Board Examination Committee (NBEC) of the American Veterinary Medical Association (AVMA) with a minimum passing score as determined by the NBEC;

(b) the Clinical Competency Test (CCT) of the NBEC of the AVMA with a minimum passing score as determined by the NBEC; and

(c) the Utah Veterinary Law and Rules Examination with a minimum passing score of 75%.

(2) For applicants who do not sit for the examinations listed in Subsection (1) prior to May 1, 2000:

(a) the NAVLE with a passing score as determined by the NBEC; and

(b) the Utah Veterinary Law and Rules Examination with a minimum passing score of 75%.

(3) To be eligible to sit for the NAVLE examination, an applicant shall submit the following:

(a) an application for licensure;

(b) application fee;

(c) a letter from the Dean of an approved veterinary school confirming the applicant is a student in good standing and will graduate with the next graduating class; and

(d) a copy of the test application submitted to NAVLE.

R156-28-302d. Qualifications for Licensure - Content of Utah Veterinary Law and Rules Examination.

The Utah Veterinary Law and Rules Examination shall cover five content areas:

(1) the Division of Occupational and Professional Licensing Act, Title 58, Chapter 1;

(2) the General Rules of the Division of Occupational and Professional Licensing, R156-1;

(3) the Veterinary Practice Act, Title 58, Chapter 28;

(4) the Veterinary Practice Act Rules, R156-28; and

(5) the State of Utah rules governing the admission and inspection of livestock, poultry, and other animals, R58-1.

R156-28-302e. Qualifications for Licensure - Meet With the Board.

Applicants may be requested to meet with the board, at the discretion of the division or board, to satisfy the board that the applicant is qualified to practice veterinary medicine in the state.

R156-28-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 28 is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-28-304. Continuing Education.

(1) There is hereby established a continuing professional education requirement for all individuals licensed under Title 58, Chapter 28.

(2) During each two year period commencing on September 30 of each even numbered year, a licensee shall be required to complete not less than 24 hours of qualified professional education directly related to the licensee's professional practice.

(3) The required number of hours of professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(4) Qualified professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(5) Credit for professional education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for professional education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by:

- (i) the American Veterinary Medical Association;
- (ii) the Utah Veterinary Medical Association;
- (iii) the American Animal Hospital Association;
- (iv) the American Association of Equine Practitioners;
- (v) the American Association of Bovine Practitioners;
- (vi) certifying boards approved by the RACE of the AVMA;
- (vii) the Western Veterinary Conference; or
- (viii) other state veterinary medical associations;

(b) no more than five continuing education hours may be counted for being the primary author of an article published in a peer reviewed scientific journal and no more than two continuing education hours may be counted for being a secondary author; and

(c) no more than six continuing education hours may be in practice management courses.

(6) A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate it meets the requirements under this section.

(7) A licensee who documents that he/she is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years; however, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-28-305. Exemptions From Licensure.

In addition to the exemptions from licensure in Sections 58-1-307 and 58-28-8, the following are exempt from the licensing provisions of this chapter, subject to the stated circumstances and conditions:

(1) any unlicensed personnel of a licensed veterinarian performing duties other than diagnosis, prescription or surgery under the direct supervision of the licensed veterinarian or under the indirect supervision of said licensed veterinarian while carrying out ongoing care for hospitalized patients; and

(2) the implantation of any electronic device for identifying animals by established humane societies, animal control organizations or governmental agencies that provide appropriate training.

R156-28-502. Unprofessional Conduct.

Unprofessional conduct includes:

(1) any deviation in the minimum standards of veterinary practice set forth in Section R156-28-503;

(2) permitting an unlicensed person under his supervision to assist or engage in acts or practices in which the individual is not competent;

(3) permitting an unlicensed person under his supervision to engage in acts or practices included in the definition of the practice of veterinary medicine, surgery, and dentistry without direct supervision or without indirect supervision while carrying out ongoing care for hospitalized patients; and

(4) permitting an unlicensed person under his supervision to perform surgery, to diagnose or prescribe.

R156-28-503. Minimum Standards of Practice.

(1) A veterinarian shall compile and maintain written records on each patient to minimally include:

- (a) client's name, address and phone number, if telephone is available;
- (b) patient's identification, such as name, number, tag, species, age and gender, except for herds, flocks or other large groups of animals which may be more generally defined;
- (c) veterinarian's diagnosis or evaluation of the patient;
- (d) treatments rendered including drugs used and dosages; and
- (e) date of service.

(2) A veterinarian shall make available to each client a statement of charges.

(3) A veterinarian shall maintain a sanitary environment to avoid sources and transmission of infection to include the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis and treatment.

(4) A veterinarian shall assure a valid veterinarian-client-patient relationship in the use, prescription, or sale of any veterinary prescription drug, or the prescribing of an extra-label use of any drug.

(5) Medical records including radiographs are the physical property of the hospital or the proprietor of the practice that prepares them.

(6) The veterinary facility shall have minimum indoor lighting to provide reasonable visibility;

- (a) halls and wards with 20 foot candles;
- (b) reception area with 50 foot candles;
- (c) examining rooms at table elevation with 70 foot candles; and
- (d) surgery table elevation with 150 foot candles.

(7) The veterinary facility shall have adequate measures for the control of objectionable noises and odors in compliance with applicable health codes and standards of practice.

(8) The veterinary facility shall contain the following:

- (a) a reception room and office, or a combination of the two;
- (b) an examination room or area that is separate from the other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client; and
- (c) a sanitary surgery room or area which is separate and distinct from all others rooms, except in a large animal practice where modifications may be necessary to accommodate large animal surgery.

(9) The veterinary facility shall have an alternate source of lighting to be used in the event of power failure.

(10) The veterinary facility shall have appropriate temperature and ventilation to assure the comfort of all patients.

(11) The veterinary facility shall have an acceptable sanitary system for the disposal of deceased animals.

(12) In those veterinary facilities where animals are retained for treatment or hospitalization, the following shall be provided:

- (a) separate compartments, one for each animal, maintained in a sanitary manner as to assure comfort, and be of a design and construction so as to facilitate sanitation procedures;
 - (b) facilities and efforts allowing for the effective separation of contagious and noncontagious cases;
 - (c) exercise areas which provide and allow effective separation of animals and their waste products; and
 - (d) adequate fire precautions according to local building and fire codes.
- (13) The following equipment is required in a veterinary practice:

- (a) an adequate means of sterilizing all appropriate equipment;
 - (b) autoclave equipment shall be properly utilized in those facilities where major surgery is conducted;
 - (c) surgical packs including drapes, gloves, sponges, towels, and adequate instrumentation;
 - (d) anesthetic equipment in accordance with the level of surgery performed available at all times; and
 - (e) oxygen resuscitating equipment available on the premises at all times.
- (14) The following shall apply to the use of anesthesia:
- (a) preanesthetic examination shall be performed on the patient by the attending veterinarian, unless contraindicated;
 - (b) the anesthetized animal shall be under supervision at all times and observed until at least the swallowing reflex has returned; and
 - (c) when major surgery is performed, currently recognized anesthesia shall be used.
- (15) Currently recognized procedures for aseptic surgery shall be utilized as follows:
- (a) scrubbing of surgical area with cleansing agent and water, unless contraindicated;
 - (b) disinfecting of the surgical area of the patient where practical;
 - (c) use of drapes where practical to cover the surgical area of the patient;
 - (d) appropriate attire and personal sanitation of surgeons and assistants, where practical; and
 - (e) properly prepared and sterilized surgical packs for each surgical procedure.

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